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10/711,881	10/12/2004	Che-Chieh Wang	VIAP0112USA	5880
27765	7590	09/07/2007	EXAMINER	
NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION			PHAM, VAN T	
P.O. BOX 506			ART UNIT	PAPER NUMBER
MERRIFIELD, VA 22116			2627	
			NOTIFICATION DATE	DELIVERY MODE
			09/07/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/711,881

Applicant(s)

WANG, CHE-CHIEH

Examiner

VAN T. PHAM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16 is/are allowed.
- 6) ☒ Claim(s) 17 and 19 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments filed 07/04/2007 have been fully considered but they are not persuasive.

Claims 17~~19~~:

Applicant's asserted, "a detector cannot be identified by the applicant. It is believed that neither the AAPA nor Kato has such teaching, Therefore, the currently amended claim 17 of the present application of patentable over the AAPA in view of Kato", which is incorrect. First of all, claim 17 recites "detector being capable of notify the controller how to adjust writing periods according to information obtained from reading the odd marks and the even marks by the optical pick-up unit", which can be found in AAPA, wherein the period T_{mn+} is adjustable, see Fig. 3, the writing period of T_{mn} is not the same as the T_{mn+} . Of course, it is notified the controller to adjust the writing periods according to information obtained from reading the odd marks of Fig. 3 by the optical pickup. However, the detector could be found in Kato Fig. 3, and see

[0041] In this case, the relation between the power P_w of the laser beam for record irradiated in case a recording layer 14 is fused, the power P_b of the laser beam for record irradiated in case a recording layer 14 is cooled, and the power P_e of the laser beam for record irradiated in case a recording layer 14 is crystalized is $P_w > P_e > P_b$. Therefore, when recording data on an optical recording medium 1, *based on the record conditioning information read from the optical recording medium 1, a controller 4 controls the laser drive circuit 5 through the laser control circuit 9, so that the power of the laser beam for record serves as P_w , P_e , or P_b , and the laser drive circuit 5 controls the power of a laser driving signal based on this. As an example, it*

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is set as **6.0mW**, **2.8mW**, and **0.1mW** as power **P_w**, **P_e**, and **P_b** of the laser beam for record, respectively.

Also, Kato Table 2 and 3 discloses all different lengths of the writing periods, wherein the recording power **P_w** used the various values from 4.0nW to 10.0nW see [0086].

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 17, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art (AAPA) in view of Kato Tatsuya (JP 2003-085751).

Regarding claim 17, AAPA discloses an optical disk drive comprising:

an optical pick-up unit (OPU) for outputting a laser beam to burn a plurality of odd marks and a plurality of even marks on an optical disk (see AAPA Fig. 1); and

a controller connected to the optical pick-up unit, the controller being capable of driving the optical pick-up unit according to a 2T write strategy to output the laser beam to burn the odd mark and the even mark on the optical disk (see AAPA Figs. 1-3); and

detector connected to the controller, the detector being capable of notifying the controller how to adjust the writing periods according to the information obtained from reading the marks by the optical pick-up unit (see AAPA Figs. 1-3).

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However, Kato discloses an optical disk drive for modifying a write strategy on an optical disk drive, comprising:

an optical pick-up unit (OPU) for outputting a laser beam to burn a plurality of odd marks and a plurality of even marks on an optical disk (see Fig. 1); and

a controller connected to the optical pick-up unit, the controller being capable of driving the optical pick-up unit according to a 2T write strategy to output the laser beam to burn the odd mark and the even mark on the optical disk (see Figs. 1-3); and

detector connected to the controller, the detector being capable of notifying the controller how to adjust the writing periods according to the information obtained from reading the odd marks and the even marks by the optical pick-up unit (see Figs. 1-3, and see response above).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a write strategy in AAPA as suggested Kato, the motivation being in order to have the record power P_w used the various values (see Kato [0086]).

Regarding claim 19, see rejection above of claim 17.

Allowable Subject Matter

4. Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 20 is allowable because all of the cited references in the record do not suggest or disclose the calibration system of claim 19 wherein a rule adopted by the adjuster to adjust the plurality of the writing periods comprises: when a characteristic curve of a mark reveals a maximum value prior to an ideal characteristic curve, increasing the total recording time for

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forming the mark; when a characteristic curve of a mark reveals a maximum value later than an ideal characteristic curve, reducing the total recording time for forming the mark; and when a characteristic curve of a mark becomes wider or narrower than an ideal characteristic curve, adjusting the total recording time for forming the mark according to a try-and-error method.

5. The following is an examiner's statement of reasons for allowance:

Claims 1-16 are allowed.

None of the cited references in the record teach or suggest all of the limitations in claim

1.

Claims 2-15 are allowed with parent claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Cited References

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references relate to write strategy parameters that are varied on a mark by mark basis and other write strategy parameters that is varied slowly.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN T. PHAM whose telephone number is 571-272-7590. The examiner can normally be reached on Monday-Thursday from 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP


WAYNE YOUNG
SUPERVISORY PATENT EXAMINER